

R277-426 received final approval by the Utah State Board of Education on September 8, 2017. R277-426 is published in the October 1, 2017 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2017.

## **R277. Education, Administration.**

### **R277-426. Definition of Private and Non-Profit Schools for Federal Program Services.**

#### **~~[R277-426-1. Definitions.~~**

~~“Board” means the Utah State Board of Education.]~~

#### **R277-426-[2]1. Authority and Purpose.**

~~[A-](1)~~ This rule is authorized by:

~~(a)~~ Article X, Section 3 of the Utah Constitution, which vests general control and supervision ~~[of]~~over public education in the Board~~[-];~~

~~(b)~~ Subsection 53A-1-402(3), which allows the Board to administer federal funds and to distribute them to eligible applicants~~[-];~~ and ~~[Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.]~~

~~(c)~~ Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

~~[B-](2)~~ The purpose of this rule is to define requirements that private, non-public, and non-profit schools must meet in conjunction with federal program criteria to receive services under federal laws requiring the public education system to serve students in these schools.

#### **R277-426-2. Definitions.**

(1) "Data Universal Numbering System Number" or "DUNS Number" means a unique numeric identifier assigned to a single business entity by Dun and Bradstreet.

(2) "Exempt Organization Determination Letter" means a letter issued by the Internal Revenue Service, which verifies that an organization is a qualified tax-exempt entity.

#### **R277-426-3. Qualifications.**

For the purposes of receiving services under federal programs ~~[which permit such]:~~

~~[A-](1)~~ “Private or non-public school” means a school which:

~~([1]a)~~ is owned and operated by:

~~(i)~~ an individual~~[-];~~

~~(ii)~~ a religious institution~~[-];~~

~~(iii)~~ a partnership~~[-];~~ or

~~(iv)~~ a corporation other than the State, a subdivision of the State, or ~~[by]~~ the Federal government;

~~([2]b)~~ is supported primarily by ~~[other than]~~ non-public funds;

~~([3]c)~~ vests the operation and determination of its program with other than publicly-elected or appointed officials;

~~([4]d)~~ teaches the required subjects on each grade level as designated by the Board for the same length of time as students must be taught in the public schools;

~~([5]e)~~ is properly licensed if so required by the appropriate governmental jurisdiction;

~~([6]f)~~ complies with any state and local ordinances and codes pertaining to the operation of that type of facility or institution; and ~~[is not a charter school.]~~

(g) possesses a DUNS number.

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[B-](2) "Non-profit school" means a school which:  
([1]a) is not a part of the public school system;  
([2]b) is operated with no intention of making a profit;  
([3]c) does not ~~[exist to]~~ primarily provide educational services to students enrolled in for profit residential programs;  
([4]d) possesses:  
    (i) a State of Utah ~~[F]tax [E]exemption number; [and]~~  
    (ii) a DUNS number;  
    (iii) a United States Internal Revenue Service Employer Identification Number ~~[(EIN)]~~; and  
    (iv) a favorable Exempt Organization Determination Letter;  
([5]e) teaches the required subjects on each grade level as designated by the Board for the same length of time as students must be taught in the public schools if required by the federal program;  
([6]f) is properly licensed if so required by the appropriate governmental jurisdiction; and  
    ([7]g) complies with any state ~~[and]~~ or local ~~[ordinances and codes]~~ legal requirements pertaining to the operation of that type facility or institution.

**KEY: education finance, private schools**

**Date of Enactment or Last Substantive Amendment: ~~[February 7, 2012]~~2017**

**Notice of Continuation: September 13, 2017**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(3); 53A-1-401~~[(3)]~~**